

SUBSTANTIVE ENVIRONMENTAL LAW COMPLIANCE OF OIL PALM LICENSING AND STATE RESPONSIBILITY FOR FLOODS IN SUMATRA

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Abstract

Large-scale oil palm plantation development has transformed Sumatra into a strategic economic region while intensifying environmental degradation and recurrent flooding associated with forest conversion. These conditions raise legal questions regarding the substantive compliance of plantation licensing policies with environmental law principles and the scope of state responsibility for ecological disasters. This study examines whether oil palm plantation licensing in Sumatra substantially complies with environmental law and whether recurrent floods justify classification as a national disaster with implications for state responsibility. Using a normative legal research method, this study applies statutory, conceptual, and case-based approaches grounded in constitutional, environmental, forestry, plantation, and disaster management laws. The findings show that although plantation licensing policies largely comply with formal administrative requirements, the government fails to satisfy substantive environmental law principles, including the precautionary principle, prevention, sustainable development, and the polluter-pays principle. Licenses authorising forest conversion have contributed to structural environmental degradation and increased flood risks. Under the prevailing fault-based legal framework, state liability for flood disasters resulting from licensing policies remains limited, despite identifiable causal links between administrative decisions and environmental harm. This condition warrants a shift toward a more substantive interpretation of state responsibility to ensure accountability for environmental disasters across Sumatra.

Keywords: Environmental Degradation, Environmental Law Compliance, Flood Disasters, Oil Palm Plantation Licensing, State Responsibility

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INTRODUCTION

Oil palm plantation development has positioned Sumatra Island as one of Indonesia's leading centers of national economic growth by intensively utilizing natural resources, while simultaneously increasing the region's ecological vulnerability (Suryadi, Dharmawan, & Barus, 2020). Over the past two decades, the expansion of large-scale plantations has significantly altered ecosystem structures, particularly in upstream river basin areas, resulting in a decline in the environment's capacity to absorb and regulate extreme rainfall events (Anastasya & Angelica, 2025). Economic development that relies on natural resource exploitation is inseparable from Indonesia's constitutional framework, which vests the state as the primary authority over natural resources (Novemyanto, 2024). The 1945 Constitution of the Republic of Indonesia, in Article 33 paragraph (3), states in full: "The land, waters, and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people", thereby imposing a constitutional obligation on the state to ensure that natural resource utilization policies promote public welfare while maintaining environmental sustainability and public safety.

The factual conditions in Sumatra show that the policy of converting forest areas into oil palm plantations has significantly contributed to environmental degradation and increased the intensity of flash floods and landslides (Kurnia, 2025). The ecological damage that has occurred is not solely due to illegal activities, but also to licensing practices that are administratively legal but ignore the substantive principles of environmental law (Sidiki, 2024). The right to a good and healthy environment is guaranteed as a constitutional right through Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states: "Every person shall have the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, as well as the right to obtain health services." This constitutional guarantee is reinforced in Law No. 32 of 2009 concerning Environmental Protection and Management, which establishes the principles of state responsibility, prudence, prevention, and sustainable development as the normative basis for environmental policy. From the perspective of the rule of law (*rechtsstaat*) as proposed by Friedrich Julius Stahl, the state's failure to protect the environment constitutes a breach of legal obligations that directly violates human rights (Sunnqvist, 2022).

The urgency of this research is further reinforced by large-scale floods across various regions of Sumatra, which have caused loss of life, property damage, and damage to infrastructure and ecosystems. These disasters cannot be understood as isolated natural events, but rather as the accumulation of failures in environmental management policies and in the governance of natural resource licensing (Nugroho, 2025). Law No. 24 of 2007 on Disaster Management requires the state to reduce disaster risk by controlling the use of natural resources so that they do not exceed the environment's capacity. When plantation licensing policies increase disaster risk, a legal issue arises regarding the state's consistency in fulfilling its constitutional and preventive environmental law obligations (Mispansyah & Nurunnisa, 2021). This situation places the issue of state responsibility for ecological disasters as a legal issue that needs to be studied in depth and systematically.

The main legal issue in this study lies in the substantive compliance of oil palm plantation licensing policies with environmental law principles and their implications for the state's legal responsibility for flooding disasters. Formal compliance with licensing procedures does not necessarily reflect substantive compliance if permits are issued without considering carrying capacity and environmental capacity. In addition, the determination or non-determination of national disaster status has legal consequences for the division of authority and responsibility between the central and local governments. Philipus M. Hadjon stated that legal protection is divided into two forms: preventive and repressive (Fahmi et al., 2025). Within the framework of legal protection theory as proposed by Philipus M. Hadjon, this condition reflects the failure of preventive legal protection, because licensing policies, which should be an instrument of prudence, have failed to prevent environmental damage and community suffering. At the same time, the weakness of repressive legal protections is reflected in suboptimal mechanisms for law enforcement and state accountability after an ecological disaster, resulting in the ineffective restoration of the rights of affected communities and the correction of problematic licensing policies. The perspective of the rule of law, as proposed by A.V. Dicey, demands that the state not hide behind administrative legality when the policies it adopts clearly cause ecological and social injustice (Rumiarta, 2022).

This study aims to comprehensively analyze the substantive compliance of oil palm plantation licensing policies in Sumatra with environmental law norms and principles, and to examine the expansion of state legal responsibility in the context of ecological disasters. The analysis assesses the

extent to which the state has fulfilled its constitutional obligations to protect environmental sustainability and public safety through licensing policies and law enforcement mechanisms. By applying theories of the rule of law, John Rawls' theory of justice, and Satjipto Rahardjo's progressive law, this research evaluates whether plantation licensing policies promote substantive justice or instead perpetuate ecological injustice affecting vulnerable communities. The findings are expected to strengthen the normative framework of state accountability for environmental disasters and to provide a legal basis for the formulation of plantation licensing policies that are more lawful, equitable, and sustainable.

In practice, a structural regulatory conflict arises between the authority of local governments to issue economic and plantation permits to accelerate regional development and the obligation to comply with national environmental standards governing forest protection, watershed management, and disaster risk reduction. Local licensing decisions frequently prioritise investment facilitation and economic growth, while national environmental regulations impose substantive limits based on ecological carrying capacity and preventive environmental principles. This regulatory dissonance creates a legal gap in which formally valid permits undermine national environmental objectives, thereby contributing to structural environmental degradation and recurrent flooding disasters. Consequently, this conflict raises fundamental legal questions regarding the substantive compliance of plantation licensing policies and the scope of state responsibility within Indonesia's environmental governance framework.

LITERATURE REVIEW

Research conducted by Rahmat Hidayat entitled "Analisis Yuridis Penetapan Status Bencana Alam: Tinjauan terhadap Kebijakan Pemerintah Pusat pada Bencana Hidrometeorologi di Sumatra" examines the central government's policy of maintaining the status of regional disasters even though empirical facts show that the indicators for a national disaster as stipulated in Article 7 paragraph (2) of Law Number 24 of 2007 concerning Disaster Management have been met. This study asserts that this policy is a form of budgetary political discretion that ignores legal certainty and burdens the region with reconstruction costs, but does not explicitly link it to the state's constitutional responsibility to restore the rights of disaster victims (Hidayat, 2025).

Research by Shafira Salsabil Auliyya Ansar, Aulia Rahmawati, and Radhitya Dhimas Arrahman entitled "Peninjauan Bencana Alam akibat Deforestasi Hutan dan Tantangan Penegakkan Hukum mengenai Kebijakan Penebangan Hutan Berskala Besar di Indonesia" examines the relationship between deforestation, natural disasters, and weak forestry law enforcement, which has implications for the fulfillment of the right to a good and healthy environment (Ansar, Rahmawati, & Arrahman, 2024).

The research by Muhammad Hassan Maqsood, Rafia Mumtaz, and Muhammad Ajmal Khan entitled "Deforestation Detection and Reforestation Potential due to Natural Disasters—A Case Study of Floods" focuses on the technical aspects of deforestation detection and reforestation potential due to flooding through the use of artificial intelligence technology without examining the legal and institutional dimensions of the state (Maqsood et al., 2024). The novelty of this research lies in its normative legal analysis, which integrates the substantive compliance of palm oil plantation licensing policies, the procedural validity of state administrative actions, and the expansion of state legal responsibility through the designation of floods as a national disaster resulting from forest conversion policies, thereby positioning ecological disasters as the legal consequences of unsustainable development policies.

RESEARCH METHOD

This study uses a normative legal research method, employing three approaches: the statutory, conceptual, and case approaches. The legislative approach is used to analyze the positive legal framework governing environmental protection and management, oil palm plantation licensing, and disaster management, which is based on the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 41 of 1999 on Forestry, Law No. 39 of 2014 on Plantations, and Law No. 24 of 2007 on Disaster Management, along with other relevant laws and regulations. A conceptual approach was used to analyze the rationale underlying substantive compliance with licensing policies and state accountability in the context of ecological disasters, utilizing the theory of the rule of law (*rechtsstaat*), Philipus M. Hadjon's theory of legal protection, John Rawls' theory of justice, and Satjipto Rahardjo's theory of progressive law. Meanwhile, a case study approach was used to analyse floods and ecological disasters in various regions of Sumatra Island, particularly in North Sumatra (South Tapanuli, Central Tapanuli, Sibolga, Simalungun, and Toba), West Sumatra (Agam), and Aceh (Langkahan and Pidie Jaya), which often accumulate at river mouths, beaches, or even cover residential areas and river channels. The floods in several areas

of Sumatra can be seen as a result of the policy of converting forest areas into oil palm plantations, as well as to evaluate the responses of the central and local governments in determining disaster status and post-disaster management.

The data types in this study include primary and secondary legal materials. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 41 of 1999 concerning Forestry, Law No. 39 of 2014 concerning Plantations, and Law No. 24 of 2007 concerning Disaster Management. Secondary legal materials include law textbooks, reputable scientific journals, and prior research on natural resource licensing, ecological disasters, and state responsibility. Data collection techniques were carried out through library research to collect, identify, and systematize legal materials relevant to the research problem formulation. This research is descriptive-analytical in nature, aiming to objectively describe the substantive compliance of palm oil plantation licensing policies with environmental law and the legal implications of disaster designation on the government's legal responsibility, then analyzing it normatively and theoretically to formulate recommendations for strengthening plantation licensing governance that is more law-abiding, fair, and sustainable.

RESULTS AND DISCUSSION

SUBSTANTIVE COMPLIANCE AND LEGAL VALIDITY OF PALM OIL PLANTATION LICENSING POLICIES FROM AN ENVIRONMENTAL LAW PERSPECTIVE

Substantive Compliance of Palm Oil Plantation Licensing Policies with Environmental Law Principles

Legal scholars and regulators cannot assess compliance in oil palm plantation licensing policies solely through the fulfillment of administrative procedures and the formal completeness of licensing documents. Substantive compliance requires that licensing policies align with the objectives of environmental protection and function effectively as instruments for controlling ecological risks inherent in natural resource-based business activities (Dwiwani et al., 2024). Administrative legality loses its substantive legitimacy if the licensing policy results in environmental damage and increases communities' vulnerability to ecological disasters (Muryati, Triasih, & Mulyani, 2022).

The precautionary principle constitutes a fundamental standard in environmental law for responding to scientific uncertainty regarding environmental impacts. The prevention principle requires environmental protection to be implemented from the earliest planning stage of business activities through effective environmental control instruments (Cahyaningtyas et al., 2025). Article 2 letter f of Law Number 32 of 2009 concerning Environmental Protection and Management states that "environmental protection and management shall be carried out in accordance with the precautionary principle." In practice, the issuance of oil palm plantation permits in upstream river basins, flood-prone areas, and regions where environmental carrying capacity has been exceeded demonstrates a disregard for known ecological risks, indicating substantive non-compliance despite formal administrative validity.

The government must implement environmental protection obligations from the planning stage of business activities (Rizki, Jawwad, & Sujarwo, 2023). Article 22 of Law Number 32 of 2009 requires the government requires environmentally significant activities to be preceded by an Environmental Impact Assessment, while Article 36 paragraph (1) states that "every business and/or activity required to have an EIA or UKL-UPL must possess an environmental permit." These provisions confirm that environmental permits constitute substantive prerequisites for determining ecological feasibility, rather than mere administrative requirements (Karliansyah, 2023).

The principle of sustainable development provides constitutional limits on economic policy and the utilization of natural resources (Cahyani, 2020). Article 33, paragraph (4) of the 1945 Constitution of the Republic of Indonesia states that "The national economy shall be organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental awareness, independence, and maintaining the balance of national economic progress and unity." This constitutional formulation establishes sustainability and environmental awareness as normative prerequisites for all development policies. Palm oil plantation licensing policies that encourage massive forest conversion and ignore environmental carrying capacity violate the principle of sustainable development because these policies impose ecological and social losses on present and future generations (Banjarnahor & Ikhsan, 2025).

The polluter pays principle is an environmental law principle that affirms the obligation of business operators to bear the costs of restoring any environmental pollution or damage they cause (Kurnia, Fawwaz, & Herlina, 2023). This principle is contained in Article 2, letter j of Law Number 32 of 2009 concerning Environmental Protection and Management. The substantive compliance perspective

requires that licensing policies internalize potential ecological costs from the outset and ensure the availability of mechanisms for accountability and environmental restoration. The issuance of plantation permits without effective impact control and without guarantees of environmental restoration indicates that the polluter pays principle has not been adequately integrated into licensing policies (Rahayu, Permatasari, & Kusuma, 2023).

Theoretical perspectives reinforce the assessment of substantive compliance in plantation licensing policies by emphasizing the law's protective and transformative functions. Ecocentrism affirms that nature possesses intrinsic value (Sockhill et al., 2022). The state must protect nature beyond economic considerations and reject anthropocentric approaches that prioritize short-term gains over ecosystem sustainability (Frantz, Rego, & Barbas, 2025). This perspective aligns with Roscoe Pound's conception of "law as a tool of social engineering", which requires licensing policies to direct state and corporate behavior toward equitable and sustainable development (Rasji et al., 2025).

Mochtar Kusumaatmadja's "Theory of Development Law" further underscores that law must evolve in response to social change and ecological challenges, particularly amid increasing environmental degradation and disaster risks (Iskandar et al., 2025). Within the framework of the Philipus M. Hadjon's legal protection theory, the failure of licensing policies to adapt to ecological realities reflects not only stagnation in legal development but also the breakdown of preventive and repressive state protection mechanisms for affected communities (Hadjon, 2007). Preventive legal protection requires the government to exercise its discretionary authority cautiously, especially in policies that could cause widespread ecological impacts. The issuance of permits without adequate consideration of environmental risks demonstrates a failure of preventive protection. At the same time, weak post-incident law enforcement reflects the suboptimal nature of repressive legal protection for the affected communities.

The normative analysis above demonstrates that substantive compliance with environmental law principles constitutes the primary benchmark for assessing the legal validity of palm oil plantation licensing policies and the state's responsibility to protect the environment and public safety. Formal administrative legality lacks legal legitimacy when licensing policies ignore the principles of precaution, prevention, sustainable development, and the polluter pays principle. Accordingly, palm oil plantation licensing policies in Sumatra have not yet fulfilled substantive environmental law requirements, and this failure has directly contributed to increased ecological disaster risks.

Issuance of Permits for the Conversion of Forest Areas for Oil Palm Plantations as a Violation of the State's Environmental Legal Obligations

The issuance of permits for converting forest areas into oil palm plantations is a form of government action with broad legal, ecological, and social consequences (Zentra, 2024). The state's position as the holder of the mandate to control the earth, water, and natural resources, as stipulated in Article 33, paragraph (3), of the 1945 Constitution of the Republic of Indonesia, carries with it the obligation to exercise this authority responsibly and with a focus on protecting the environment (Ritonga et al., 2021). The use of authority that actually causes ecosystem degradation and increases the risk of disasters constitutes a potential violation of the state's environmental legal obligations.

The state's obligation to protect the environment is constitutionally grounded in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "every person has the right to live in physical and spiritual prosperity, to have a place to live, and to enjoy a good and healthy environment, as well as the right to obtain health services." The issuance of permits for forest conversion that undermine ecological functions and increase community vulnerability to flooding may therefore constitute a violation of these constitutional obligations, as such policies reflect the state's failure to guarantee environmental rights for its citizens.

The state's environmental legal obligations are further affirmed in Law No. 32 of 2009 concerning Environmental Protection and Management. Article 63 paragraph (1) states that "the government has the duty and authority to establish national policies, norms, standards, procedures, and criteria for environmental protection and management." This provision confirms that when issuing permits, the government bears a direct obligation to ensure that licensing policies align with environmental protection objectives. The issuance of forest conversion permits without regard to carrying capacity and environmental capacity demonstrates a failure to fulfill the state's control and supervisory functions as mandated by law (Hidayani, Samosir, & Munthe, 2021).

The government must ensure that the conversion of forest areas for oil palm plantations complies with forestry law. Law No. 41 of 1999 on Forestry emphasizes forests as a life-support system, and Article 3 states that forestry management aims to ensure sufficient forest area, optimize forest functions, and increase watershed carrying capacity. The issuance of forest conversion permits that

ignore hydrological functions and flood control roles, therefore, contradicts the objectives of forestry law. The conversion of forest areas for palm oil plantations must also comply with forestry law. Law No. 41 of 1999 on Forestry emphasizes forests as a life-support system. Article 3 of the law states that forestry management aims to ensure the existence of forests with sufficient area and proportional distribution, optimize the various functions of forests, and increase the carrying capacity of watersheds. The issuance of forest conversion permits that ignore forests' hydrological functions and their role in flood control violates the objectives of forestry law (Dewa et al., 2023).

The perspective of state administrative law permits permits as a form of state administrative decision that must meet the requirements of authority, procedure, and substance (Juwono, 2021). The substantive aspect becomes crucial when a formally valid permit produces effects contrary to the purpose for which the authority was granted. Courts and legal scholars may qualify administrative decisions that violate environmental protection objectives as abuse of authority (*détournement de pouvoir*), because the authority granted by law is used for purposes that are not in line with the intent of the lawmaker (Pietersz, 2024). The issuance of permits for the conversion of forest areas that compromise ecological and social safety indicates the potential for the state to abuse its authority.

Within the rule of law (*rechtsstaat*), every government action must be based on law and directed toward protecting human rights, including environmental rights. Philipus M. Hadjon's theory of legal protection emphasizes preventive legal protection, requiring caution in the exercise of discretion. The issuance of permits that disregard known ecological risks reflects a failure of preventive protection, while inadequate recovery and accountability following disasters indicate weaknesses in repressive legal protection. Thus, normative analysis demonstrates that the issuance of permits for converting forest areas into oil palm plantations cannot be separated from the state's environmental legal obligations. Where formally valid permits substantively contradict environmental protection objectives and public safety, such permits render the government legally responsible for environmental damage and increased flood risk and may therefore be deemed unlawful.

DECLARATION OF FLOODS AS A NATIONAL DISASTER AND ITS IMPLICATIONS FOR THE LEGAL RESPONSIBILITY OF THE CENTRAL GOVERNMENT AND LOCAL GOVERNMENTS FOR FOREST AREA CONVERSION POLICIES

Procedural Validity of Palm Oil Plantation Permit Issuance from the Perspective of State Administrative Law

The validity of administrative decisions within the Indonesian legal system depends on authority, procedure, and substance, reflecting the fundamental principles of the rule of law (*rechtsstaat*) (BS, 2024). These principles require every exercise of governmental power, including plantation licensing, to remain legally bounded, accountable, and oriented toward the public interest in order to prevent environmental harm arising from natural resource exploitation. Oil palm plantation permits constitute concrete, individual, and final state administrative decisions that produce binding legal consequences not only for permit holders but also for surrounding communities and the environment (Hidayah, 2023). Procedural validity, therefore, serves as a primary legal safeguard against arbitrary administrative actions. Any defect in authority, procedure, or substance undermines the legitimacy of a permit as a lawful administrative decision.

Authority represents the first and essential requirement for assessing the validity of plantation permits. Legislation confers legally valid government authority only through attribution, delegation, or mandate (Sharon, 2021). Law No. 30 of 2014 on Government Administration, Article 8, paragraph (1), states that authorized government officials must determine and carry out every administrative decision and action. The exercise of discretion constitutes an integral part of authority and must remain within the limits and objectives for which authority is granted. Decisions issued without lawful authority or through misuse of discretion constitute procedural illegality and are subject to annulment (Aprija et al., 2025).

Procedural validity further requires compliance with normatively prescribed stages in the permit issuance process, particularly the fulfillment of environmental requirements as mandatory procedural prerequisites. Environmental approval is not a mere administrative formality but an essential legal condition for plantation licensing. Law No. 32 of 2009 on Environmental Protection and Management, Article 36 paragraph (1), states that every business and/or activity required to have an environmental impact assessment or UKL-UPL must possess an environmental permit. The issuance of plantation permits without satisfying these requirements constitutes a procedural defect. Such practices contradict the objectives of environmental protection and the precautionary orientation of administrative decision-making.

Substantive legality concerns the conformity of permit content with the authority's purpose and the general principles of good governance. Administrative decisions must be grounded in legal certainty, prudence, proportionality, and the protection of the public interest (Kesuma et al., 2025). Permits authorizing forest conversion without adequate consideration of environmental carrying capacity, ecological risks, and long-term public safety fail to meet substantive legality standards. Such decisions conflict with the objectives of environmental governance embedded in administrative law. Substantive defects, therefore, arise when permits formally comply with procedures but materially undermine environmental protection.

Substantive legality also requires that administrative decisions be oriented toward the protective function of administrative law in regulating activities with significant environmental impacts. When plantation permits prioritize economic objectives while marginalizing ecological considerations, they lose their regulatory character as legal tools for risk management and environmental protection and become facilitative instruments detached from their protective purpose. Such distortion undermines the preventive function of administrative law and weakens the state's capacity to mitigate environmental harm. Consequently, substantive defects in permit content must be regarded as fundamental violations of administrative legality rather than minor irregularities.

From the perspective of Satjipto Rahardjo's progressive law theory, the persistence of environmental harm despite formal administrative compliance reveals the limitations of a rigidly positivistic approach to administrative legality (Maruf & Harefa, 2023). Progressive law emphasizes that law must serve substantive justice and social welfare rather than merely uphold formal validity. Plantation permits that are procedurally valid but substantively destructive to ecosystems and public safety demonstrate a failure of law to fulfill its transformative and protective functions. In this context, administrative law must be interpreted dynamically to prioritize environmental sustainability and societal protection over strict adherence to procedural formalism. The continued reliance on formal legality without substantive correction contradicts the core values of progressive law as articulated by Satjipto Rahardjo.

The validity of plantation permits cannot be separated from the effectiveness of administrative law enforcement (Fitria, 2019). Preventive enforcement is exercised through governmental supervision to ensure continuous compliance with legal and environmental obligations, while repressive enforcement applies administrative sanctions to correct violations. This distinction reflects the theory of legal protection articulated by Philipus M. Hadjon, which emphasizes the integration of preventive and repressive mechanisms in safeguarding public interests (Qasthary et al., 2025). Weak supervision and reluctance to impose sanctions render procedurally issued permits illegitimate as instruments of control. In such circumstances, permits function merely as an administrative legitimization of environmentally harmful practices.

The foregoing analysis confirms that the procedural validity of oil palm plantation permit issuance depends on the integrated fulfillment of lawful authority, proper procedures, and substantive conformity with sound governance principles. Defects may arise not only at the issuance stage but also from the state's failure to ensure adequate supervision and enforcement. The government cannot treat permits that lack these safeguards as legally valid instruments of public administration. This condition establishes a critical legal link between defective licensing practices, failures in environmental governance, and the attribution of state responsibility in the context of ecological degradation and disaster risk.

Declaration of Floods as a National Disaster from the Perspective of State Responsibility

The declaration of floods as a national disaster is a legal decision with direct implications for the division of authority and responsibility between the central and local governments (Hidayat, 2025). The recurring and widespread floods across various regions of Sumatra island, particularly in North Sumatra (South Tapanuli, Central Tapanuli, Sibolga, Simalungun, and Toba), West Sumatra (Agam), and Aceh (Langkahan and Pidie Jaya), demonstrate that these events are not incidental natural phenomena but are structurally linked to environmental damage from forest conversion and river basin degradation, thereby positioning flooding as a legal event that must be analyzed within the framework of state responsibility for environmental management.

Law No. 24 of 2007 on Disaster Management provides the legal basis for determining the status and level of a disaster. Article 7, paragraph (1), letter c of the law states that "The government has the authority to determine the status and level of national and regional disasters." This provision indicates that the determination of a national disaster is a discretionary authority of the central government. The central government must exercise this authority based on objective conditions and rational legal considerations, without creating legal uncertainty in disaster management practices.

The inability of local governments to effectively address the impacts of flooding is an important indicator of national disaster status. In the context of floods in Sumatra, several regional governments formally declared that their fiscal, technical, and institutional capacities were insufficient to manage the disaster, as reflected in official requests for national disaster designation, demonstrating that disaster management had exceeded regional capabilities (Setyadi, 2025). Local governments manifested their inability by submitting official requests to declare the floods a national disaster. This administrative fact is legally relevant because it shows that disaster management has exceeded the fiscal, technical, and institutional capabilities of local governments.

Law No. 24 of 2007, through Article 6 letter a, states that “The government is responsible for disaster management.” This formulation confirms that the state’s responsibility is direct and does not depend solely on the declaration of a national disaster. The declaration of a national disaster still serves a strategic legal function by transferring the primary responsibility for disaster management to the central government. This expansion of responsibility includes financing, cross-regional coordination, and long-term strategic policy-making, including environmental restoration.

A normative analysis of the factual conditions shows that floods in Sumatra recur across multiple districts, cause significant economic and social losses, and are structurally linked to environmental degradation resulting from forest-conversion policies. At the same time, local governments have acknowledged limitations in managing these impacts at the regional level. Non-legal considerations also influence the central government’s caution in declaring floods a national disaster. Concerns about the perception of dependence on international assistance and the assumption of a “quid pro quo” relationship often arise in public discourse (Pratomo, 2015). However, Law No. 24 of 2007 does not associate national disaster designation with mandatory acceptance of foreign aid. Article 30, paragraph (1), states that “the government and regional governments are responsible for disaster management,” affirming that international assistance remains supplementary and remains fully subject to state control. Accordingly, such non-legal concerns cannot justify delaying a national disaster declaration when objective legal criteria have been met.

Indications of weak forestry supervision are reflected in the continued transportation of logs after flood events and the large volume of timber carried by floodwaters, which do not establish oil palm plantations as the sole cause of flooding but rather highlight failures in controlling forest conversion and timber exploitation (Farisi & Belarminus, 2025). These conditions do not necessarily prove that all oil palm plantation activities are the sole cause of the floods. Instead, these indications point to the failure to control the conversion of forest areas and the uncontrolled use of timber.

The main legal issue in this context is the state’s failure to perform its environmental monitoring and control functions. Law No. 32 of 2009 on Environmental Protection and Management, through Article 63 paragraph (1) letter a, states that the government is responsible for establishing and implementing environmental protection and management policies. The ineffectiveness of supervision of forestry activities demonstrates the weak implementation of this obligation (Ines et al., 2025). Legal analysis must focus on the state’s accountability for its failure to supervise environmental and forestry activities.

From an environmental liability perspective, the recurrence of flooding disasters in Sumatra raises a fundamental legal question about the potential application of strict liability to the state for licensing negligence that contributes to ecological degradation. Indonesian environmental law, particularly Law No. 32 of 2009 on Environmental Protection and Management, has predominantly imposed strict liability on private actors whose activities cause environmental pollution or damage, while state actions continue to be assessed primarily under a fault-based liability regime reinforced by the presumption of administrative legality. This condition creates a normative gap in which state-issued permits that structurally increase environmental risks escape direct legal accountability, despite clear causal relationships between licensing decisions, ecosystem degradation, and recurrent flooding events.

Nevertheless, the accountability of the state may be pursued through citizen lawsuits and class action mechanisms as recognised under Articles 91 and 92 of Law No. 32 of 2009, which grant legal standing to affected communities and environmental organisations to challenge environmental harm arising from government policies. Although judicial practice in Indonesia has demonstrated restraint in imposing liability on the state for licensing decisions, a progressive interpretation of environmental justice supports expanding state responsibility when licensing negligence constitutes a failure of preventive environmental governance.

In legal practice, the determination of the competent forum depends on the object of dispute: challenges to the legality of environmental permits or plantation business permits as State Administrative Decrees fall under the jurisdiction of the State Administrative Court (PTUN), whereas

claims directed at governmental omission, including failures of supervision and disaster risk prevention, may be pursued before the District Court through civil litigation based on the doctrine of unlawful acts by public authorities (*onrechtmatige overheidsdaad*).

The constitutional framework reinforces the state's obligations through the 1945 Constitution of the Republic of Indonesia. Article 28H paragraph (1) states that "Every person shall have the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy environment, as well as the right to obtain health services." This norm holds that environmental protection and public safety are inherent obligations of the state. The local government's declaration of inability does not relieve the central government of its ultimate responsibility under the unitary state system.

The legal implications of not declaring floods as a national disaster, despite the local government's declaration of inability to respond, raise questions about the consistency of the state's responsibilities. Law No. 32 of 2009, through Article 2 letter a, states that "The protection and management of the environment shall be carried out based on the principle of state responsibility." This principle affirms that the state is not only responsible for preventing environmental damage. The obligation to restore the environment also applies when the damage has caused a disaster that harms the community (Perwira, Taufik, & Sahder, 2022).

Based on the foregoing analysis, the floods in Sumatra meet the criteria for designation as a national disaster under Law No. 24 of 2007, given their scale of impact, their structural linkage to environmental degradation, and the declared incapacity of local governments. The absence of a national disaster declaration does not eliminate the state's legal responsibility, as the central government remains obligated to undertake disaster management, environmental restoration, and evaluation of forest conversion policies that constitute the root cause of ecological disasters.

CONCLUSION

The discussion results show that the palm oil plantation licensing policy in Sumatra does not yet fully comply with the substantive principles of environmental law. Although administratively, licenses are often issued in accordance with formal procedures, the substance of the policy often ignores the principles of precaution, prevention, sustainable development, and the polluter-pays principle. The issuance of permits for the conversion of forest areas has contributed to structural ecological degradation, particularly in river basins, thereby increasing the risk of flooding and environmental damage. This situation shows that the state has not optimally fulfilled its constitutional obligation to protect the right to a good and healthy environment. From a progressive legal perspective, the continuation of licensing policies that emphasize formal legality while neglecting ecological justice reflects the law's failure to serve as a means of substantive protection for the environment and society.

The validity of oil palm plantation permits cannot be separated from the unity of authority, procedure, and substance in state administrative law, as well as the effectiveness of administrative law supervision and enforcement. Defects in the exercise of authority, compliance with environmental procedures, and the substance of licensing decisions have legal consequences that directly implicate the state's responsibility. The recurring and widespread flooding in Sumatra, accompanied by statements of local government incapacity, normatively meets the criteria for classification as a national disaster. The determination or non-determination of national disaster status does not remove the legal responsibility of the central and local governments, but rather affirms the state's obligation to restore the environment, evaluate licensing policies, and reorient natural resource management in line with the principles of the rule of law, ecological justice, and community protection. Therefore, the state needs to conduct a comprehensive review of oil palm plantation licensing policies, strengthen administrative law enforcement and oversight, and make environmental protection the primary orientation in all natural resource development policies.

As a concrete policy recommendation, this study emphasizes the need to mandate the integration of a Flood Risk Assessment (FRA) as a substantive legal prerequisite for oil palm plantation licensing, particularly in peatlands, upstream river basins, and other critical watersheds across Sumatra. The FRA should not be positioned merely as a technical or supplementary document, but rather as a binding legal instrument that directly determines the feasibility of licensing decisions based on ecological carrying capacity and disaster risk indicators. The incorporation of flood risk analysis into the licensing framework would operationalise the precautionary and prevention principles mandated under environmental law, strengthen administrative accountability, and reorient plantation permits toward their core function as instruments of environmental risk governance rather than as mechanisms of formal administrative legality.

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